

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JUNE 24, 2014 – 7:00 P.M.

Prayer offered by Councilwoman Alveta Green, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Riddick, Mr. Protogyrou, Dr. Whibley, Ms. Williams, Mr. Winn, and Mr. Fraim.

President Fraim moved to excuse Mr. Smigiel from today's meeting.

Motion adopted.

Yes: Green, Protogyrou, Riddick, Dr. Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Protogyrou, Riddick, Dr. Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Old Dominion University**, for the closing vacating and discontinuing a portion of **50th Street** from the eastern line of **Hampton Boulevard**.

Stacey Vellines, 4401 Powattan Ave, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of 50th Street and authorizing the conveyance to the abutting property owner of any interest the City may have in the underlying fee of said portion of 50th Street, contingent upon the satisfaction of certain conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 25, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Handsome Biscuit**, for change of zoning to modify the conditions attached to property zoned conditional C-2 (Corridor Commercial) on property located at **2511 Colonial Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **2511 Colonial Avenue** in order to change conditions on property zoned Conditional C-2 (Corridor Commercial),” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2A

An Ordinance entitled, “An Ordinance granting a Special Exception to the Tidewater Corporation authorizing the operation of an eating and drinking establishment known as ‘**Handsome Biscuit**’ on property located at **2511 Colonial Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, to amend the **City’s General Plan, *PlaNorfolk2030***, to establish development criteria related to landscaping, setbacks, and parking to encourage a mix of uses and enhanced pedestrian activity along the southernmost sections of **Colonial Avenue** and **Granby Street** in the **Park Place neighborhood**.

Thereupon, an Ordinance entitled, “An Ordinance to amend the General Plan of Norfolk ***PlaNorfolk2030***, **SO AS TO** establish development criteria related to landscaping, setbacks and parking to encourage a mix of uses and to enhance pedestrian activity along the southernmost segments of **Colonial Avenue** and **Granby Street** within the **Park Place Neighborhood**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day pursuant to State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Martha E. Cooper** on property located **1720 Todd Street**.

Thereupon, an Ordinance entitled, “An Ordinance repealing Ordinance #45,430 adopted February 11, 2014, and authorizing the conveyance to **Martha E. Cooper** of a certain parcel of property, acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the Conveyance Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 25, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** with **Stumpy Lake Golf Course** for operation of **Lambert’s Point Golf Course**.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Lease** with **Stumpy Lake Golf Course, Incorporated**, for operation of **Lambert’s Point Golf Course**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 25, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Talbot Hall West, LLC, a)** to amend the **City's General Plan, Plan Norfolk 2030** from Institutional to Single Family Suburban; **b)** to amend the *Zoning Ordinance* to add Section 27-39, "Talbot Hall Residential Planned Development" (PD-R Talbot Hall) District and **c)** for a change of zoning from IN-1 (Institutional) to PD-R Talbot Hall on property located at **600 Talbot Hall Road**.

The followings proponents spoke in support of this matter:

Billy Dashiell, 6919 Catherine Street, applicant, James L. Smith, 324 Court Street, Portsmouth, VA, James McDonnell, 218 Sinclair Street, Harvey Lindsey, 1 Colley Avenue, Apt 900, George Grinnan, Jr., 508 Brackenridge Drive, Brad Klavan, 502 Talbot Hall Road, Joseph Sensi, 6811 Caroline Street, Barbara Lipskis, 6915 Mallard Drive, Patrick Yockey, 214 Carlisle Way, Robert Gayle, 7439 Fickler Point, Neal Crawford, 1401 Old Brandon Avenue, Virginia Distanislao, 1570 Brandon Avenue, Petersburg, VA, Elizabeth Smith, 324 Court Street, Portsmouth, VA, David White, 508 Carlisle Way, Michael Holley, 1514 Norway Court, Jean Ratherford, 1438 Meades Road, JoAnne Berkley, 1419 Buckingham Avenue and Tim Trant, 150 West Main Street, applicant.

The followings spoke in opposition to this matter:

Jay Taylor, 516 Oak Grove Road, Mark Perrault, 950 Hanover Avenue, Susan Schrader, 1766 Farragut Avenue, Mary Louis O'Brien, 520 Talbot Hall Road, Alice Allen Grimes, 1322 Mallory Court, Danielle Kruer, 201 West 21st Street, Dan Warman, 1209 South Fairwater, Lynn Roth-Taylor, 516 Oak Grove Road, Joseph George, 1447 Westover Avenue, Robert Brown, 8507 Troy Street, Stephen Dexter, 509 Carlisle Way, Jennifer Sleeper, 254 Lavolette Avenue, Justin Sarafin, 1001 Page Street, Charlottesville, VA, James Patrick O'Brien, 520 Talbot Hall Road, and Christopher O'Brien, 521 Boissevain Avenue,

The followings proponents were present, but did not wish to speak:

Roberta and Jerry Mullins, 117 Afton Avenue, David Twardzik, 1023 Bolling Avenue, Steve Cyrus, 1409 Trouville Avenue, Annie Gao, 259 West Ocean View Avenue, Joseph Antle, 3917 Meeting House Road, Sara Kruger, 1411 Brackenridge Drive, Linette Klavan, 6909 Mallard Drive, Judith Blackman, 1352 Cornwall Road, Wendy Howlett-Holley, 1514 Norway Court, Susan D. Brown, 1501 Eleanor Court, Christopher Kanter, 7429 Shealean Avenue, Robert Tupper, 7003 Mallard Drive, Charles Robinson, III, 506 Oak Grove Road, Shirley Robinson, 506 Oak Grove Drive, James A Markey, 1311 Windsor Point Road, Kathryn Metz Markey, 1311 Windsor Point Road, Elizabeth Holley, 1514 Norway Court, Patrick Baker, 1337 Fordyce Drive, Jill Baker, 1337 Fordyce Drive, Steve Palane, 308 Sturgeon Lane, Virginia Beach, VA, Lisa Carroll, 501 Brackenridge Avenue, Jim and Carol Foseter, 310 Fairfax Avenue, Lauren Conner, 1315 Willow Drive, Kim Georges, 1228 Spotswood Street, Nick Georges, 1228 Spotswood Avenue, Blair Simpson, 6015 Eastwood Road, Frederick Simpson, 6015 Eastwood Road, Greg Brown, 1501 Eleanor Court, Karen Crawford, 1401 Old Brandon Avenue, Sarah L. Smith, 324 Court Street, Portsmouth, VA, John Benedict, 904 Hanover Avenue, Joanne Benedict, 904 Hanover Avenue, Steven Hall, 5404 Studeley Avenue, Robin Putnam, 5404 Studeley Avenue, Cheri Pridgen, 508 Brackenridge Avenue, Tazewell Taylor, 510 Brackenridge Avenue, Ktherine Taylor, 510 Brackenridge Avenue, Madelyn Sawyer, 521 Oak Grove Road, John Sawyer, 405 Oak Grove Road, Jill Layne, 607 Mayflower Road, Victor Layne, 607 Mayflower Road, Janie Richards, 607 Westover Avenue, David Richards, 607 Westover Avenue, John Mclemore, 1348 Sussex Place, Katherine Mclemore, 1348 Sussex Place, Lillian Mclemore, 1348 Sussex Place, Kristin Simpson, 3502 Norway Place, Page Simpson, 6034 Newport Crescent, John Simpson, 6015 Eastwood Terrace, Katherine Simpson, 6015 Eastwood Terrace, Howard Simpson, 3502 Norway Place, Judy Dashiell, 6919 Catherine Street, Elizabeth Dashiell, 6919 Catherine Street, Gracie Dashiell, 6919 Catherine Street, and Katherine Dashiell, 1052 North Lexan Crescent.

The followings opponents were present, but did not wish to speak:

Scharlene Floyd, 8135 Foxdale Drive, Joyce Williams, 1524 Versailles Avenue, Amanda Stephens, 149 Broad Street, Portsmouth, VA, Tazewell Judith, 149 Broad Street, Portsmouth, VA, and Joseph Sleeper, 254 LaVolette Avenue

The followings opponents were not present, but called and wrote their concerns:

Dorothy Steadfast, 7313 Colony Point Road and Linda Vigneault, 213 Regent Road.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, *PlaNorfolk2030*, **SO AS TO** change the land use designation for property located at **600 Talbot Hall Road** from Institutional to Single Family Suburban,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Williams, Winn, and Frain.

No: Whibley.

PH-6A

An Ordinance entitled, “An Ordinance to amend Chapter 27 of the Zoning Ordinance of the City of Norfolk, 1992, **SO AS TO** create the Talbot Hall Residential Planned Development District (PD-R Talbot Hall),” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Williams, Winn, and Frain.

No: Whibley.

PH-6B

An Ordinance entitled, “An Ordinance to rezone property located at **600 Talbot Hall Road** from IN-1 (Institutional) to PD-R Talbot Hall,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Williams, Winn, and Frain.

No: Whibley.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **2013 Supplemental Local Emergency Management Performance Grant** in the amount of \$9,300.00 from **Virginia Department of Emergency Management** for the **City’s Office of Emergency Management** and appropriating and authorizing the expenditure of the grant funds for the Sheltering Capability Program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Sections 15-2, 15-3, 15-5, 15-8 and 15-9** of the **Norfolk City Code, 1979** SO AS TO conform with the **Stormwater Design and Construction Manual Incorporated in Chapter 41.2,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Frain.

No: None.

R-3

Letter from the City Manager an Ordinance entitled, “An Ordinance to amend Ordinance Number 45,072, which permits **401 Granby Street, L.L.C.** to encroach up to 3’, more or less, into the right-of-way of **Granby Street and Freemason Street** with **cornices, Juliet balconies, foundation footer** and **roof overhang, SO AS TO** add two blade signs to the encroaching structure,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Greg Gruszczyk** to encroach into **Fearer Avenue** right of way at **2701 Davis Street** with a paved driveway approximately 10’ by 115’ in length,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Seaboard Building, L.L.C.** to encroach into **W. Plume Street** and **Randolph Street** rights of way at **100 W. Plume Street** with existing **canopy, roof cornices** and **awnings**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Subsections (b) and (c) of Section 37-96** of the Norfolk City Code, 1979, SO AS TO add one **Trustee** who may be a **Retiree** to the **Board of Trustees of the Employees' Retirement System**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and a Resolution entitled, “A Resolution acknowledging and concurring with the May 21, 2014 Resolution of **Norfolk Public Schools 55512** electing the employer certified contribution rate of 11.12% on behalf of employees who are members of the **Virginia Retirement System** effective July 1, 2014,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

An Ordinance entitled, “An Ordinance to schedule the starting time of the **Organizational City Council Meeting** at 2:00 p.m., **Tuesday July 1, 2014 in the Council Chamber**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 24, 2014.

Yes: Green, Protogyrou, Riddick, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Harry David Candela, 7204 Ralph Street, Apt 3, spoke concerning a personnel matter.
2. Robert Brown, 8507 Troy Street, spoke to Council about problems that he is having in collecting signatures for an elected School Board, stating that in certain locations of the City he was told that there was a distance requirement.
3. Mary Simpson Jones, 7505 Paulin Court, stated that she was treated disrespectfully when she tried to make an appointment to meet with the City Manager.
4. Melrese Battle Barnes, 13800 Baden Naylor Road, Upper Marlboro, Maryland, a relative of James A. Clark, spoke to Council regarding the achievements of James A. Clark and the naming of a street near Booker T. Washington High School.
5. Tanterrian Taylor, P.O. Box 273, spoke to Council about the handicap signs that were to be installed last year, noting they have not been installed near the bus stop at Janaf Shopping Center. ++++++
6. Gary Dubour, 1433 Kingston Avenue, spoke to Council about mental health issues and volunteered his service.
7. James Washington, 216 West 33rd Street, spoke to Council about mental health issues and informed Council about the lack of resources for the mentally ill.
8. Danny Lee Ginn, 3844 Dare Circle, commented on good government.